

(Reg-5/05)

FORM TO BE USED BY A PRISONER IN FILING A COMPLAINT  
UNDER THE CIVIL RIGHTS ACT, 42 U.S.C. §1983

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

COPY

(1) Victor Shipley 356680  
(Name of Plaintiff) (Inmate Number)

Po Box 9561 Wil, De 19801  
(Complete Address with zip code)

(2) \_\_\_\_\_  
(Name of Plaintiff) (Inmate Number)

\_\_\_\_\_  
(Complete Address with zip code)

(Each named party must be listed, and all names  
must be printed or typed. Use additional sheets if needed)

vs.

(1) Raphael Williams "warden"  
(2) Gene Binkley "Medical"  
(3) Ralph Smith, M.D.  
(Names of Defendants)

(Each named party must be listed, and all names  
must be printed or typed. Use additional sheets if needed)

08 - 110 -

(Case Number)

(to be assigned by U.S. District Court)

## CIVIL COMPLAINT

• • Jury Trial Requested

## I. PREVIOUS LAWSUITS

A. If you have filed any other lawsuits in federal court while a prisoner, please list the caption and case number including year, as well as the name of the judicial officer to whom it was assigned:

None

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**II. EXHAUSTION OF ADMINISTRATIVE REMEDIES**

In order to proceed in federal court, you must fully exhaust any available administrative remedies as to each ground on which you request action.

- A. Is there a prisoner grievance procedure available at your present institution? • Yes • • No
- B. Have you fully exhausted your available administrative remedies regarding each of your present claims? • Yes • • No
- C. If your answer to "B" is Yes:

1. What steps did you take? I filed a Grievance
2. What was the result? Sgt Moody say bleach would take care of MRSA, however, she did not address my concern. I caught MRSA

- D. If your answer to "B" is No, explain why not: \_\_\_\_\_

**III. DEFENDANTS (in order listed on the caption)**

- (1) Name of first defendant: Raphael Williams

Employed as Warden at HRYCT at Po Box 9561

Mailing address with zip code: Wilmington De 19801

- (2) Name of second defendant: Gene Binkley 'Medical' at HRYCT

Employed as Medical HRYCT at Po Box 9561

Mailing address with zip code: Wilmington De 19801

- (3) Name of third defendant: Ralph Smith, M.D. at HRYCT

Employed as Medical Doctor at HRCT

Mailing address with zip code: Po Box 9561 Wilmington De 19801

(List any additional defendants, their employment, and addresses with zip codes, on extra sheets if necessary)

**IV. STATEMENT OF CLAIM**

(State as briefly as possible the facts of your case. Describe how each defendant is involved, including dates and places. Do not give any legal arguments or cite any cases or statutes. Attach no more than three extra sheets of paper if necessary.)

1. ON MONDAY Aug 20<sup>th</sup> I NOTICED A SMALL PIMPLE  
LOOKING SPIDER BITE LIKE BUMP ON THE SIDE OF  
MY CHEST. I WAS ON THE FLOOR THEN ON A OLD MAT  
ON POD 2-K CELL 20 IN H.R.Y.C.I. I CAME INTO  
H.R.Y.C.I JULY 26 WITH NO SICKNESS.
2. ON TUESDAY 28 2007 OF AUG IT HAD GOTTEN  
THE SIZE OF A LARGE BOIL I WENT DOWN TO SICK  
HALL THAT NIGHT AFTER COS ON THE POD TOLD ME TO  
FRIST CUT IT WITH A NAIL CLIPPER BUT SEEN THAT HE  
COULD GET IN TROUBLE SO HE SENT ME DOWN TO SEE
3. GENE BINKLEY MD. SHE SAID IT WAS A BOIL SHE  
CUT IT OPEN TO DRAIN IT FOR SAPAMENTS. WED 29  
2007 I WAS TAKING OFF MY POD AFTER MD BINKLEY  
SAID DONT PUT IN ANY SICK HALL SLIPS. THE STAFF  
INFECTION HAD STARTED TO SPREAD THEY PUT ME IN

**V. RELIEF**

(State briefly exactly what you want the Court to do for you. Make no legal arguments. Cite no cases or statutes.)

1. I WOULD LIKE RELIEF FOR COMPENSATORY DAMAGES.  
ALSO FOR PHYSICAL PAIN AND INJURY, PSYCHOLOGICAL  
DAMAGE INCLUDING PERSONAL HUMILIATION AND MENTAL  
ANGUISH AND INJURIES TO THE QUALITY OF MY LIFE LIKE  
PLACEMENT IN SEGREGATION OR DEPRIVATION OF PRIVILEGES.

the infirmary with people wit open wounds AND yorn  
AND Blood ON the floor AND Walls.

Thur 30 Dec Smith told me it was a Staff infection AND  
let me go back to the pod. It would Not stop bleeding  
puss. I WAS NEVER taking to the hospital or WAS my family  
contacted About my condistion. I WAS NOT AWARE of what  
I HAVE AND put back ON the floor ON A new Pod. I  
WAS NOT treated properly so it got worst. I was  
Made to keep the SAME bandages ON there AND were the  
SAME dirty tee shirts with puss ON them. ON Friday Sep 1  
the CIMS Doctor's would Not treat me Properly so the  
infection got worst. ON Sat Sept 2 the D.O.C took me  
to Sick Hall ON Second Shift even After Memo said get  
me Down every morning. ON Sat 2 of Sept MD Binkley  
Came to my pod with SGT Arnes AND told me I had MRSA  
AND that I will be put in Isolation Because I was  
suppose to keep my mouth shut AND Not put Sick Hall slips  
in. ON Sat 2 Sep the QRT team came ON the Pod AND  
told me to pack my stuff HAND cuff me AND Push my  
Head Against the shield twisted my Arm AND put me in  
Isolation for nothing Because they did Not want me  
to get a hold of my family. I have been in Isolation  
Since Sep 1 they Do Not let me get in contact wit my family  
Or Anybody from the law firm they talk About cutting  
me open. Also I have only got to take one shower  
in two weeks. They Put A sign ON my Door they would  
Not Bring my food in the room. People would make  
Disrespectful COMMENTS I WAS NOT treated like a Person.

2. NOMINAL DAMAGES AND ALSO PUNITIVE  
DAMAGES, PUNITIVE DAMAGES. Rights have been  
Violated, PUNITIVE DAMAGES without proving  
Actual Injury. Defendants acted with reckless  
Indifference to my rights, it will a desire to injure or maim
3. DAMAGES for improper confinement in Segregation  
AND particularly bad conditions.

I declare under penalty of perjury that the foregoing is true and correct.

Signed this Victor Shipley 3-4-08  
MON day of MARCH, 2008

Victor Shipley  
(Signature of Plaintiff 1)

(Signature of Plaintiff 2)

(Signature of Plaintiff 3)



## **Methicillin-Resistant *Staphylococcus aureus* (MRSA) Fact Sheet**

Appendix 1

### **What is MRSA?**

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*Staphylococcus aureus*, often referred to as "staph" is a common type of bacteria that is found the skin and in the nose of healthy persons. Staph bacteria may cause minor skin infections such as boils or more serious infections such as pneumonia and blood poisoning. Certain staph bacteria that have become resistant to first-line antibiotics are called MRSA. MRSA infections are more difficult to treat, but usually respond to antibiotic therapy. MRSA is NOT the "flesh eating" bacteria.

### **How is MRSA spread from person to person?**

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MRSA is usually spread through direct physical contact with an infected person, but may also be transmitted through contact with contaminated objects or surfaces. MRSA is not spread by coughing unless the infected person has pneumonia.

### **How can I prevent becoming infected with MRSA?**

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- ☒ Wash your hands thoroughly with soap and water throughout the day, especially every time you use the toilet and before every meal.
- Never touch another person's wounds, infected skin, or dirty bandages.
- ☒ Maintain excellent personal hygiene through regular showers and by keeping your living space clean, including the regular laundering of your bed linens.
- Don't ever share personal hygiene items with others, including toiletries and towels.
- Clean off recreational equipment such as weight benches before direct contact with your body or use a clean barrier such as a towel or shirt between your bare skin and exercise equipment.
- Shower after participating in close-contact recreational activities whenever possible.
- Don't ever get a tattoo while in prison, use injection drugs, or have sexual contact with other inmates.

### **How does a person know that he or she has a MRSA infection?**

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Swabbing or aspirating pus from a skin infection is the most common way to detect MRSA.

### **Can MRSA be treated?**

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Strong antibiotics are usually effective in treating MRSA. Serious or highly resistant MRSA infections may require Intravenous (IV) antibiotics in the hospital. Always seek medical attention if you develop a boil, red or inflamed skin, or a sore that does not go away that may look like an insect or spider bite.

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HRYCI Howard R. Young Correctional Institution  
 1301 E. 12th Street  
 WILMINGTON DE, 19809  
 Phone No. 302-429-7700

Date: 09/28/2007

**GRIEVANCE REPORT****OFFENDER GRIEVANCE INFORMATION**

<b>Offender Name :</b> SHIPLEY, VICTOR	<b>SBI# :</b> 00356680	<b>Institution :</b> HRYCI
<b>Grievance # :</b> 141702	<b>Grievance Date :</b> 09/13/2007	<b>Category :</b> Individual
<b>Status :</b> Unresolved	<b>Resolution Status :</b>	<b>Resol. Date :</b>
<b>Grievance Type:</b> Hygiene/Sanitation	<b>Incident Date :</b> 09/13/2007	<b>Incident Time :</b>
<b>IGC :</b> Moody, Mary	<b>Housing Location :</b> Building 1, West, Floor 2, Pod 2M, Cell 17, Bed B	

**OFFENDER GRIEVANCE DETAILS**

**Description of Complaint:** I was on 2K I caught MASA in HRYCI . Because of unclean place I and then they try to cover it up. Did not let me get in contact with family or take me to hospital.

**Remedy Requested :** Jail needs to be cleaned appropriately.

**INDIVIDUALS INVOLVED**

Type	SBI #	Name

**ADDITIONAL GRIEVANCE INFORMATION**

<b>Medical Grievance :</b> NO	<b>Date Received by Medical Unit :</b>
<b>Investigation Sent :</b>	<b>Investigation Sent To :</b>
<b>Grievance Amount :</b>	

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**HRYCI Howard R. Young Correctional Institution**  
 1301 E. 12th Street  
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 Phone No. 302-429-7700

**Date:** 09/28/2007

### INFORMAL RESOLUTION

OFFENDER GRIEVANCE INFORMATION			
<b>Offender Name :</b> SHIPLEY, VICTOR	<b>SBI# :</b> 00356680	<b>Institution :</b> HRYCI	
<b>Grievance # :</b> 141702	<b>Grievance Date :</b> 09/13/2007	<b>Category :</b> Individual	
<b>Status :</b> Unresolved	<b>Resolution Status:</b>	<b>Inmate Status :</b>	
<b>Grievance Type:</b> Hygiene/Sanitation	<b>Incident Date :</b> 09/13/2007	<b>Incident Time :</b>	
<b>IGC :</b> Moody, Mary	<b>Housing Location :</b> Building 1, West, Floor 2, Pod 2M, Cell 17, Bed B		
<b>INFORMAL RESOLUTION</b>			

**Offender's Signature:** \_\_\_\_\_

**Date :** \_\_\_\_\_

**Witness (Officer) :** \_\_\_\_\_



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**HRYCI Howard R. Young Correctional Institution**  
**1301 E. 12th Street**  
**WILMINGTON DE, 19809**  
**Phone No. 302-429-7700**

Date: 09/28/2007

**GRIEVANCE INFORMATION - IGC****OFFENDER GRIEVANCE INFORMATION**

<b>Offender Name :</b> SHIPLEY, VICTOR	<b>SBI# :</b> 00356680	<b>Institution :</b> HRYCI
<b>Grievance # :</b> 141702	<b>Grievance Date :</b> 09/13/2007	<b>Category :</b> Individual
<b>Status :</b> Unresolved	<b>Resolution Status :</b>	<b>Inmate Status :</b>
<b>Grievance Type:</b> Hygiene/Sanitation	<b>Incident Date :</b> 09/13/2007	<b>Incident Time :</b>
<b>IGC :</b> Moody, Mary	<b>Housing Location :</b> Building 1, West, Floor 2, Pod 2M, Cell 17, Bed B	

**IGC****Medical Provider:****Date Assigned****Comments:**

9/19/07 IGC Informed I/M Shipley that bleach is available for cleaning. I/M Shipley did not sign off on the grievance. Sgt. Moody

☐ Forward to MGC☐ Forward to Medical Provider☐ Warden Notified☒ Forward to RGC**Date Forwarded to MGC :** 09/20/2007☐ Offender Signature Captured**Date Offender Signed :**

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HRYCI Howard R. Young Correctional Institution  
 1301 E. 12th Street  
 WILMINGTON DE, 19809  
 Phone No. 302-429-7700

Date: 09/28/2007

**GRIEVANCE INFORMATION - RGC****OFFENDER GRIEVANCE INFORMATION**

<b>Offender Name :</b> SHIPLEY, VICTOR	<b>SBI# :</b> 00356680	<b>Institution :</b> HRYCI
<b>Grievance # :</b> 141702	<b>Grievance Date :</b> 09/13/2007	<b>Category :</b> Individual
<b>Status :</b> Unresolved	<b>Resolution Status :</b>	<b>Inmate Status :</b>
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<b>IGC :</b> Moody, Mary	<b>Housing Location :</b> Building 1, West, Floor 2, Pod 2M, Cell 17, Bed B	

**RGC**

Date Received : 09/20/2007

Date of Recommendation: 09/27/2007

**GRIEVANCE COMMITTEE MEMBERS**

Person Type	SBI #	Name	Vote
Staff		Sabato, Joseph	Deny
Staff		Regan, Cheryl M	Deny
Inmate	00160854	MINOR, THEODORE M	Deny
Inmate	00463547	RYLE, ALEX O	Deny

**VOTE COUNT**

Uphold : 0

Deny : 4

Abstain : 0

**TIE BREAKER**

Person Type	SBI #	Name	Vote
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**RECOMMENDATION**

RGC convened Thursday, 9/27/07

The Committee recommends that the grievance be denied. I/M Shipley has been informed that bleach is available to use for daily cleaning. His complaint regarding MRSA has been addressed by Medical. I/M Shipley did not want to sign off on the grievance.

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HRYCI Howard R. Young Correctional Institution  
 1301 E. 12th Street  
 WILMINGTON DE, 19809  
 Phone No. 302-429-7700

Date: 09/28/2007

**GRIEVANCE INFORMATION - WARDEN**

OFFENDER GRIEVANCE INFORMATION		
Offender Name : SHIPLEY, VICTOR	SBI# : 00356680	Institution : HRYCI
Grievance # : 141702	Grievance Date : 09/13/2007	Category : Individual
Status : Unresolved	Resolution Status :	Inmate Status :
Grievance Type: Hygiene/Sanitation	Incident Date : 09/13/2007	Incident Time :
IGC : Moody, Mary	Housing Location : Building 1, West, Floor 2, Pod 2M, Cell 17, Bed B	
REFERRED TO		
Due Date :	Referred to:	Name:
Type of Information Requested :		
DECISION		
Date Received : 09/27/2007		
Decision Date : 09/27/2007	Vote : Deny	
Comments : Concur with the RGC. The grievance is denied. The Institution has a regular cleaning routine that is followed.		

WARDEN / WARDEN'S DESIGNEE SIGNATURE

DATE

I WISH TO APPEAL THIS TO THE BUREAU GRIEVANCE OFFICER (B.G.O.)

YES: \_\_\_\_\_ NO: \_\_\_\_\_

GRIEVANT'S SIGNATURE

DATE

I.G.C. SIGNATURE

DATE

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**HRYCI Howard R. Young Correctional Institution**  
**1301 E. 12th Street**  
**WILMINGTON DE, 19809**  
**Phone No. 302-429-7700**

Date: 10/03/2007

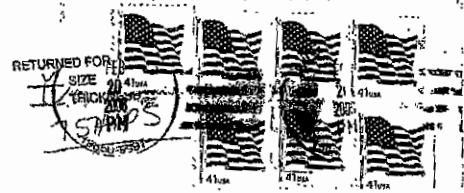
**GRIEVANCE INFORMATION - Appeal**

OFFENDER GRIEVANCE INFORMATION			
Offender Name : SHIPLEY, VICTOR	SBI# : 00356680	Institution : HRYCI	
Grievance # : 141702	Grievance Date : 09/13/2007	Category : Individual	
Status : Unresolved	Resolution Status :	Inmate Status :	
Grievance Type: Hygiene/Sanitation	Incident Date : 09/13/2007	Incident Time :	
IGC : Moody, Mary	Housing Location : Building 1, West, Floor 2, Pod 2M, Cell 17, Bed B		
APPEAL REQUEST			
<p>Appeal received 10/3/07 dated 10-1-07</p> <p>I feel my problem should be heard by a higher people because it seems that the staff in HRYCI are putting this problem on the back burner. It's sixty people on the pods some in the gym and more and the health status is not being taken seriously. I'm on a pod with people that won't stop bleeding and more. I just feel this health issue is a real problem and bleach is not the answer at all because if it were it would be less people sick and dying in jails. ps I just got this paper on 10-1-07. Signed Victor Shipley dated 10-1-07</p>			
REMEDY REQUEST			

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Victor Shipley  
SD# 356680  
PO Box 9561  
H.R./Y.C.I.  
Wilmington DE 19805

2m-17



Clerk  
U.S. District Court  
Lock box 18  
844 N. King Street  
Wilmington, DE 19801

EMERGENCY  
LEGAL MAIL